

IN THE CIRCUIT COURT OF NEW MADRID COUNTY, MISSOURI

BRIAN A. BURTON)	
)	
Plaintiff,)	
)	
vs.)	Case No:
)	
SWIFT TRANSPORTATION)	Jury Trial Demanded
COMPANY)	
Serve:)	
National Registered Agents, Inc.)	
2200 South 75 th Ave.)	
Phoenix, AZ 85038)	
)	
and)	
)	
CHARLES A. HARRIS,)	
290 Waldengreen,)	
Raeford, NC 28736)	
)	
Defendants.)	

PETITION

Come now Plaintiff, Brian Burton, by and through his attorneys, Cook, Barkett, Ponder & Wolz, L.C., and for his cause of action against the Defendants, hereby state to the Court as follows:

1. At all times relevant hereto Plaintiff was and is a resident of Springfield, State of Tennessee.
2. Defendant Swift Transportation Company of Arizona, LLC (hereinafter "Swift Transportation"), is and was at all times relevant hereto a corporation duly organized and existing under the laws of the State of Arizona with its headquarters located at Phoenix Arizona.
3. Defendant Charles Harris is and was at all times relevant hereto a resident

EXHIBIT A

of Raeford, State of North Carolina, and may be found for service of process at his residence address of 290 Waldengreen, Raeford, NC 28736.

4. On or about the 29th day of January, 2016, Defendant Swift Transportation, by and through its agents and employees or leased operators, was driving a 2016 Kenworth Model T680 tractor and trailer attachment on Northbound Interstate 55 in New Madrid County, Missouri.

5. At all times relevant herein, Charles Harris was acting as the agent, employee or leased operator for Swift Transportation.

6. At approximately 2:43 p.m. Defendant Charles Harris was operating a 2016 Kenworth Model T680 tractor and trailer attachment owned by Defendant Swift Transportation Northbound I-55.

7. At that time and place Defendant Charles Harris caused his motor vehicle to collide with Plaintiff Brian Burton's vehicle.

COUNT I

PLAINTIFF BRIAN BURTON'S CLAIM AGAINST DEFENDANT CHARLES HARRIS

8. Plaintiff Brian Burton realleges and reincorporates herein by reference Paragraphs 1 through 7 of this Petition as if fully set forth herein verbatim.

9. Charles Harris was negligent in that:
- (a) He violated federal regulations governing the operation of over-the-road trucks.
 - (b) He followed too closely other vehicles lawfully on the road.
 - (c) He operated his vehicle too fast for the conditions there and

then present.

- (d) He failed to yield the right of way.
- (e) He failed to exercise the highest degree of care.

10. As a direct and proximate result of the negligence of Defendant Charles Harris stated hereinabove, Plaintiff Brian Burton was seriously injured in that the muscles, ligaments, bones, and spine of Plaintiff's back and neck were bruised, contused, twisted, stretched, and broken, all of which caused and continues to cause great pain and suffering.

11. As a further direct and proximate result of the negligence of Defendant Charles Harris stated hereinabove, Plaintiff Brian Burton was, because of his injuries, forced to incur reasonable and necessary medical expenses for surgical repair, rehabilitation, and the like. Such medical expenses are ongoing.

12. As a further direct and proximate result of the negligence of Defendant Charles Harris stated hereinabove, Plaintiff Brian Burton was forced to lose wages and such losses will continue into the future.

WHEREFORE, Plaintiff Brian Burton prays the Court for its Order granting judgment against Defendant Charles Harris in an amount the Court deems fair and reasonable in excess of Twenty-Five Thousand Dollars (\$25,000.00), for his costs herein expended, and for any other remedy the Court deems just in the premises.

COUNT II

PLAINTIFF BRIAN BURTON'S CLAIM AGAINST DEFENDANT SWIFT TRANSPORTATION COMPANY OF ARIZONA, LLC

13. Plaintiff Brian Burton realleges and reincorporates herein by reference Paragraphs 1 through 7 of this Petition as if fully set forth herein verbatim.

14. Defendant Swift Transportation was negligent in that:

- (a) Through the actions of its agent, Charles Harris, Defendant Swift Transportation operated its vehicle in a negligent manner as outlined in paragraph 10.
- (b) Defendant Swift Transportation failed to properly maintain its trailer or tractor.

15. As a direct and proximate result of the negligence of Defendant Swift Transportation stated hereinabove, Plaintiff Brian Burton was seriously injured in that the muscles, ligaments, bones, and spine of Plaintiff's back and neck were bruised, contused, twisted, stretched, and broken, all of which caused and continues to cause great pain and suffering.

16. As a further direct and proximate result of the negligence of Defendant Swift Transportation stated hereinabove, Plaintiff Brian Burton was, because of his injuries, forced to incur reasonable and necessary medical expenses for surgical repair, rehabilitation, and the like. Such medical expenses are ongoing.

17. As a further direct and proximate result of the negligence of Defendant Swift Transportation stated hereinabove, Plaintiff Brian Burton was forced to lose wages and such losses will continue into the future.

WHEREFORE, Plaintiff Brian Burton prays the Court for its Order granting judgment against Defendant Swift Transportation Company of Arizona, LLC in an amount the Court deems fair and reasonable in excess of Twenty-Five Thousand

Dollars (\$25,000.00), for his costs herein expended, and for any other remedy the Court deems just in the premises.

Respectfully submitted,

COOK, BARKETT, PONDER & WOLZ, L.C

By: /s/ Matthew D. Glenn
Matthew D. Glenn #53671
1610 North Kingshighway, Suite 201
P. O. Box 1180
Cape Girardeau, MO 63702-1180
PH: 573-335-6651
FAX: 573-335-6182
Email: mglenn@cbpw-law.com
Attorney for Plaintiff



IN THE 34TH JUDICIAL CIRCUIT, NEW MADRID COUNTY, MISSOURI

Judge or Division: WILLIAM EDWARD REEVES	Case Number: 20NM-CV00014
Plaintiff/Petitioner: BRIAN ANTHONY BURTON	Plaintiff's/Petitioner's Attorney/Address: ANDREW RICHARD TARRY 815 INDEPENDENCE CAPE GIRARDEAU, MO 63701
vs.	
Defendant/Respondent: SWIFT TRANSPORTATION COMPANY	Court Address: New Madrid Court House 450 Main Street NEW MADRID, MO 63869
Nature of Suit: CC Pers Injury-Vehicular	

(Date File Stamp)

Summons for Personal Service Outside the State of Missouri
(Except Attachment Action)

The State of Missouri to: **SWIFT TRANSPORTATION COMPANY**

Alias:

2200 S. 75TH AVENUE
PHOENIX, AZ 85049

COURT SEAL OF



NEW MADRID COUNTY

You are summoned to appear before this court and to file your pleading to the petition, copy of which is attached, and to serve a copy of your pleading upon the attorney for the plaintiff/petitioner at the above address all within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to file your pleading, judgment by default will be taken against you for the relief demanded in this action.

3/16/20

Date

Further Information:

Clerk by: /s/Jo Crockett

Officer's or Server's Affidavit of Service

I certify that:

- I am authorized to serve process in civil actions within the state or territory where the above summons was served.
- My official title is _____ of _____ County, _____ (state).
- I have served the above summons by: (check one)
 - ☐ delivering a copy of the summons and a copy of the petition to the defendant/respondent.
 - ☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the defendant/respondent with _____, a person of the defendant's/respondent's family over the age of 15 years who permanently resides with the defendant/respondent.
 - ☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to _____ (name) _____ (title).
 - ☐ other: _____.

Served at _____ (address)

in _____ County, _____ (state), on _____ (date) at _____ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Subscribed and sworn to before me this _____ (day) _____ (month) _____ (year).

I am: (check one)

- ☐ the clerk of the court of which affiant is an officer.
- ☐ the judge of the court of which affiant is an officer.
- ☐ authorized to administer oaths in the state in which the affiant served the above summons. (use for out-of-state officer)
- ☐ authorized to administer oaths. (use for court-appointed server)

(Seal)

Signature and Title

Service Fees

Summons \$ _____
 Non Est \$ _____
 Mileage \$ _____ (_____ miles @ \$ _____ per mile)
 Total \$ _____

See the following page for directions to officer making return on service of summons.

Directions to Officer Making Return on Service of Summons

A copy of the summons and a copy of the motion must be served on each defendant/respondent. If any defendant/respondent refuses to receive the copy of the summons and motion when offered, the return shall be prepared accordingly so as to show the offer of the officer to deliver the summons and motion and the defendant's/respondent's refusal to receive the same.

Service shall be made: (1) On Individual. On an individual, including an infant or incompetent person not having a legally appointed guardian, by delivering a copy of the summons and motion to the individual personally or by leaving a copy of the summons and motion at the individual's dwelling house or usual place of abode with some person of the family over 15 years of age who permanently resides with the defendant/respondent, or by delivering a copy of the summons and petition to an agent authorized by appointment or required by law to receive service of process; (2) On Guardian. On an infant or incompetent person who has a legally appointed guardian, by delivering a copy of the summons and motion to the guardian personally; (3) On Corporation, Partnership or Other Unincorporated Association. On a corporation, partnership or unincorporated association, by delivering a copy of the summons and motion to an officer, partner, or managing or general agent, or by leaving the copies at any business office of the defendant/respondent with the person having charge thereof or by delivering copies to its registered agent or to any other agent authorized by appointment or required by law to receive service of process; (4) On Public or Quasi-Public Corporation or Body. Upon a public, municipal, governmental or quasi-public corporation or body in the case of a county, to the mayor or city clerk or city attorney in the case of a city, to the chief executive officer in the case of any public, municipal, governmental, or quasi-public corporation or body or to any person otherwise lawfully so designated.

Service may be made by an officer or deputy authorized by law to serve process in civil actions within the state or territory where such service is made.

Service may be made in any state or territory of the United States. If served in a territory, substitute the word "territory" for the word "state."

The office making the service must swear an affidavit before the clerk, deputy clerk, or judge of the court of which the person is an officer or other person authorized to administer oaths. This affidavit must state the time, place, and manner of service, the official character of the affiant, and the affiant's authority to serve process in civil actions within the state or territory where service is made.

Service must be made less than 10 days nor more than 30 days from the date the defendant/respondent is to appear in court. The return should be made promptly, and in any event so that it will reach the Missouri court within 30 days after service.



IN THE 34TH JUDICIAL CIRCUIT, NEW MADRID COUNTY, MISSOURI

Judge or Division: WILLIAM EDWARD REEVES	Case Number: 20NM-CV00014
Plaintiff/Petitioner: BRIAN ANTHONY BURTON	Plaintiff's/Petitioner's Attorney/Address: ANDREW RICHARD TARRY 815 INDEPENDENCE CAPE GIRARDEAU, MO 63701
vs.	
Defendant/Respondent: SWIFT TRANSPORTATION COMPANY	Court Address: New Madrid Court House 450 Main Street NEW MADRID, MO 63869
Nature of Suit: CC Pers Injury-Vehicular	(Date File Stamp)

Summons for Personal Service Outside the State of Missouri
(Except Attachment Action)

The State of Missouri to: CHARLES A HARRIS

Alias:

290 WALDENGREEN
RAEFORD, NC 28736

COURT SEAL OF



NEW MADRID COUNTY

You are summoned to appear before this court and to file your pleading to the petition, copy of which is attached, and to serve a copy of your pleading upon the attorney for the plaintiff/petitioner at the above address all within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to file your pleading, judgment by default will be taken against you for the relief demanded in this action.

3/16/20

Date

Further Information:

Clerk by: /s/Jo Crockett

Officer's or Server's Affidavit of Service

I certify that:

- I am authorized to serve process in civil actions within the state or territory where the above summons was served.
- My official title is _____ of _____ County, _____ (state).
- I have served the above summons by: (check one)
 - ☐ delivering a copy of the summons and a copy of the petition to the defendant/respondent.
 - ☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the defendant/respondent with _____, a person of the defendant's/respondent's family over the age of 15 years who permanently resides with the defendant/respondent.
 - ☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to _____ (name) _____ (title).
 - ☐ other: _____.

Served at _____ (address)

in _____ County, _____ (state), on _____ (date) at _____ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Subscribed and sworn to before me this _____ (day) _____ (month) _____ (year).

I am: (check one)

- ☐ the clerk of the court of which affiant is an officer.
- ☐ the judge of the court of which affiant is an officer.
- ☐ authorized to administer oaths in the state in which the affiant served the above summons. (use for out-of-state officer)
- ☐ authorized to administer oaths. (use for court-appointed server)

(Seal)

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 Total \$ _____

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Service may be made in any state or territory of the United States. If served in a territory, substitute the word "territory" for the word "state."

The office making the service must swear an affidavit before the clerk, deputy clerk, or judge of the court of which the person is an officer or other person authorized to administer oaths. This affidavit must state the time, place, and manner of service, the official character of the affiant, and the affiant's authority to serve process in civil actions within the state or territory where service is made.

Service must be made less than 10 days nor more than 30 days from the date the defendant/respondent is to appear in court. The return should be made promptly, and in any event so that it will reach the Missouri court within 30 days after service.

IN THE CIRCUIT COURT OF NEW MADRID COUNTY, MISSOURI

BRIAN A. BURTON,)	
)	
Plaintiff,)	
)	
v.)	CASE NO. 20NM-CV00014
)	
SWIFT TRANSPORTATION)	
COMPANY,)	
)	
REGISTERED AGENT:)	
National Registered Agents, Inc.)	
2200 South 75 th Ave.)	
Phoenix, AZ 85038)	
)	
and)	
)	
CHARLES A. HARRIS,)	
290 Waldengreen)	
Raeford, NC 28736)	
)	
Defendants.)	

ENTRY OF APPEARANCE

Dear Judge / Clerk,

Please issue a summons to be served to Registered Agent: National Registered Agents, Inc. at 2200 South 75th Avenue – Phoenix, AZ 85038 and a second summons to be served to Mr. Charles A. Harris at 290 Waldengreen – Raeford, NC 28736.

Respectfully,

TARRY LAW FIRM, L.L.C.

/s/ Andrew R. Tarry
Andrew R. Tarry - No. 53061
815 Independence
Cape Girardeau, Missouri 63703
573-651-8644 Telephone
573-651-8636 Facsimile

tarrylawfirm@sbcglobal.net

Attorney for Plaintiff

IN THE CIRCUIT COURT OF NEW MADRID COUNTY, MISSOURI

BRIAN A. BURTON,)	
)	
Plaintiff,)	
)	
vs.)	Case No.: 20NM-CV00014
)	JURY TRIAL DEMANDED
SWIFT TRANSPORTATION)	
COMPANY and CHARLES A.)	
HARRIS,)	
)	
Defendants.)	

MOTION TO WITHDRAW

COMES NOW Matthew D. Glenn of Cook, Barkett, Ponder & Wolz, L.C. and moves to withdraw as attorney for Plaintiff, for the reason that he has retained Andrew R. Tarry to represent him in this matter.

WHEREFORE, counsel respectfully prays for an Order allowing Matthew D. Glenn to withdraw from representation of Plaintiff in this cause.

Respectfully submitted,

COOK, BARKETT, PONDER & WOLZ, L.C

By: /s/Matthew D. Glenn
Matthew D. Glenn #53671
1610 North Kingshighway, Suite 201
Cape Girardeau, MO 63702-1180
PH: 573-335-6651 FAX: 573-335-6182
Email: mglenn@cbpw-law.com

CERTIFICATE OF SERVICE

The undersigned certifies that on March 4, 2020, the foregoing instrument was filed electronically with the Clerk of the Court for Cape Girardeau County to be served by operation of the Court's electronic filing system upon the attorneys of record.

By: /s/Matthew D. Glenn

IN THE CIRCUIT COURT OF NEW MADRID COUNTY, MISSOURI

BRIAN A. BURTON,)	
)	
Plaintiff,)	
)	
v.)	CASE NO. 20NM-CV00014
)	
SWIFT TRANSPORTATION)	
COMPANY,)	
)	
REGISTERED AGENT:)	
National Registered Agents, Inc.)	
2200 South 75 th Ave.)	
Phoenix, AZ 85038)	
)	
and)	
)	
CHARLES A. HARRIS,)	
290 Waldengreen)	
Raeford, NC 28736)	
)	
Defendants.)	

ENTRY OF APPEARANCE

COMES NOW Andrew R. Tarry, Attorney at Law, of the Tarry Law Firm, L.L.C., and hereby enters his appearance on behalf of the Plaintiff, Brian A. Burton.

TARRY LAW FIRM, L.L.C.

/s/ Andrew R. Tarry
Andrew R. Tarry - No. 53061
815 Independence
Cape Girardeau, Missouri 63703
573-651-8644 Telephone
573-651-8636 Facsimile
tarrylawfirm@sbcglobal.net
Attorney for Defendant

IN THE CIRCUIT COURT OF NEW MADRID COUNTY, MISSOURI

BRIAN A. BURTON,)	
)	
Plaintiff,)	
)	
vs.)	Case No.: 20NM-CV00014
)	JURY TRIAL DEMANDED
SWIFT TRANSPORTATION)	
COMPANY and CHARLES A.)	
HARRIS,)	
)	
Defendants.)	

MOTION TO WITHDRAW

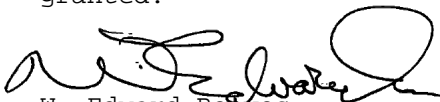
COMES NOW Matthew D. Glenn of Cook, Barkett, Ponder & Wolz, L.C. and moves to withdraw as attorney for Plaintiff, for the reason that he has retained Andrew R. Tarry to represent him in this matter.

WHEREFORE, counsel respectfully prays for an Order allowing Matthew D. Glenn to withdraw from representation of Plaintiff in this cause.

Respectfully submitted,

COOK, BARKETT, PONDER & WOLZ, L.C

Motion for leave to
withdraw
granted.



W. Edward Reeves
Circuit Judge

3/5/2020

By: /s/Matthew D. Glenn

Matthew D. Glenn #53671
1610 North Kingshighway, Suite 201
Cape Girardeau, MO 63702-1180
PH: 573-335-6651 FAX: 573-335-6182
Email: mglenn@cbpw-law.com

CERTIFICATE OF SERVICE

The undersigned certifies that on March 4, 2020, the foregoing instrument was filed electronically with the Clerk of the Court for Cape Girardeau County to be served by operation of the Court's electronic filing system upon the attorneys of record.

By: /s/Matthew D. Glenn



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ET AL (E-CASE)**

Case Header	Parties & Attorneys	Docket Entries	Charges, Judgments & Sentences	Service Information	Filings Due	Scheduled Hearings & Trials	Civil Judgments	Garnishments/ Execution
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This information is provided as a service and is not considered an official court record.

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Display Options:

[Click here to Respond to Selected Documents](#)☐ Ascending

- 03/16/2020 ☐ [Summ Issd- Circ Pers Serv O/S](#)
Document ID: 20-SMOS-14, for HARRIS, CHARLES A.
- ☐ [Summ Issd- Circ Pers Serv O/S](#)
Document ID: 20-SMOS-13, for SWIFT TRANSPORTATION COMPANY.
- ☐ [Note to Clerk eFiling](#)
Filed By: ANDREW RICHARD TARRY
- ☐ [Correspondence Filed](#)
Request for Summons.
Filed By: ANDREW RICHARD TARRY
On Behalf Of: BRIAN ANTHONY BURTON
- 03/05/2020 ☐ [Order Withdrawing Attorney:](#)
- 03/04/2020 ☐ [Motion of Withdrawl of Counsel](#)
Motion to Withdraw; Electronic Filing Certificate of Service.
Filed By: MATTHEW D GLENN
On Behalf Of: BRIAN ANTHONY BURTON
- 01/28/2020 ☐ [Entry of Appearance Filed](#)
Entry of Appearance; Electronic Filing Certificate of Service.
Filed By: ANDREW RICHARD TARRY
On Behalf Of: BRIAN ANTHONY BURTON
- 01/09/2020 ☐ [Filing Info Sheet eFiling](#)
Filed By: MATTHEW D GLENN
- ☐ [Note to Clerk eFiling](#)
Filed By: MATTHEW D GLENN
- ☐ [Confidential Address Filed](#)
CONFIDENTIAL CASE FILING INFORMATION SHEET - NON-DOMESTIC RELATIONS.
Filed By: MATTHEW D GLENN
On Behalf Of: BRIAN ANTHONY BURTON
- ☐ [Pet Filed in Circuit Ct](#)
PETITION.
- ☐ [Judge Assigned](#)

